


AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)


**WAC 296-62-05305 Meet certain conditions if you withhold trade secret information.**


Note: The requirements in WAC 296-62-05305 through 296-62-05325 apply only to agriculture. The requirements for all other industries relating to trade secrets have been moved to chapter 296-816 WAC, Protecting trade secrets.


You may withhold the specific chemical identity, including the chemical name and other specific identification of a toxic substance or hazardous chemical, from a disclosable record or a material safety data sheet if you meet each of the following conditions:


**You:**

 Can support the claim that the information withheld is a trade secret.

 Disclose all other available information about the properties and effects of the toxic substance.

 Disclose the information in the material safety data sheet about the properties and effects of the hazardous chemical.

 Inform the person requesting the information, or the material safety data sheet states that the specific chemical identity is being withheld as a trade secret.

 Make available the specific chemical identity to health professionals, employees, and their designated representatives according to the provisions of this rule.

Nothing in this rule hinders an employer from deleting from records requested by a health professional, employee, or designated representative any trade secret data which discloses manufacturing processes, or discloses the percentage of a chemical substance in a mixture.

You must notify the health professional, employee, or designated representative requesting records that information about the trade has been deleted from the records.

If deleting trade secret information from a record substantially impairs evaluation of the location or the time when exposure to a toxic substance occurred, you must provide alternative information that enables the requesting party to identify where and when the exposure occurred.